



June 27, 2003

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: CC Docket No. 95-116

Leap Wireless International, Inc. submits these reply comments in support of the Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association (CTIA) filed May 13, 2003, in the above-captioned proceeding.

The comments submitted thus far by the parties are divided – divided primarily into two groups. One group appears to want to make wireless number portability unworkable or confusing for the consumer. This group also ignores the need to conserve numbers, which is one of the goals of portability. Furthermore, this group favors added conditions in order to preserve their customer base and deny the benefits of competition to the majority of their existing customers.

Leap, which has been a strong advocate and supporter of number portability throughout this debate, is clearly in the other group – the pro-competition, pro-consumer group. As a company focused on landline displacement, we believe that many more landline customers would “cut the cord” and go completely wireless if they could only bring their telephone numbers with them. Our perspective is that number portability creates a result worth achieving not only for the consumer but ultimately for the industry as well. However, there are certain issues raised by CTIA that must be addressed by the Commission, if the process of switching carriers and keeping one’s number is to be both easy and convenient for customers.

The Commission is well aware that competition in the local loop in the residential market falls short of what Congress anticipated when it passed the 1996 Federal Telecommunications Act. Inter-modal local number portability, or portability between wireline and wireless carriers, could supercharge local competition and promote choice.

Since many of the comments submitted have addressed these issues in detail our filing will be brief. Consumers have waited too long for the benefits of portability but in order for the process to be a smooth experience rather than a confusing one, the following issues need to be addressed:

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Rate Center

USTA's proposed definition as to what constitutes "physical presence" in a rate center is unclear. For purposes of interconnecting with LECs for Leap's Cricket wireless service, Cricket generally connects to the LEC's tandem (for which we pay handsomely), instead of having direct connections to every rate center. Does that arrangement constitute a "physical presence" in all rate centers that are served by that tandem? Furthermore, Cricket generally serves a large area using phone numbers from a handful of rate centers – not from every rate center where we provide coverage. To do otherwise would be a waste of scarce numbering resources.

Interconnection Agreements

Leap has already encountered resistance from some LECs that refuse to move forward with negotiating procedures for inter-modal porting until after we amend our existing interconnection agreement between the LEC and Cricket. This is clearly a self-serving attempt to delay the day when porting between wireline and wireless carriers is a reality. Leap believes that a service level agreement is sufficient.

Porting Interval

Studies that have been cited in other parties' comments show that the longer the porting interval, the less likely the customer is to port. The Commission should require wireline carriers to adapt to the 21st century and upgrade and automate their systems. Certainly there is cost involved, but wireless carriers have spent millions of dollars on computer hardware and software, and upgrades to their switches to support LNP.

Standards for Denying Ports

Leap urges the FCC to develop uniform standards as to when carriers may deny a port. As a strong supporter of LNP, Leap wants consumers to be able to switch easily from carrier-to-carrier in order to find the best quality and best value service. However, Leap also operates a business and we must ensure that our customers pay for the service they have received and used. In developing Cricket's business rules, we want the ability to deny a port until the customer either pays a past-due balance or pays an early termination fee if the customer has a commitment that he has not yet satisfied.

Leap is eager to begin inter-modal porting and give consumers even more reason to "cut the cord" and enjoy all the benefits of a home phone but with the addition of mobility. We urge the Commission to move expeditiously in resolving these very important issues in a pro-competition and pro-consumer fashion.

Respectfully submitted,

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